

REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS DECEMBER 5, 2011

The Rush County Board of Commissioners met in regular session, Monday, December 5, 2011 with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Deborah Adams, Auditor, and Leigh Morning, County Attorney in attendance.

Commissioner Tom Barnes called the meeting to order, Ken Masters made the motion to approve the minutes of the November 21, 2011 meeting as presented. Marvin Cole seconded the motion. Motion carried.

SOLID WASTE

Carole Yeend, Solid Waste Director, reported that a Solid Waste meeting is scheduled for later at 4:00 pm.

SURVEYOR

Marvin Rees, Surveyor, reported that the Drainage Board has four (4) hearings scheduled to begin at 10:30, following the commissioners meeting.

HIGHWAY

Jerry Sitton, Highway Superintendent, submitted the highway monthly report for November.

SHERIFF

Jeff Sherwood reported an inmate count of thirty-one (31) inmates currently incarcerated in the Rush County jail.

Sherwood reported that the vehicle liability insurance premium has doubled over the last year. Tom Barnes stated that he has briefly discussed this with Schroeder Insurance. Discussion has also been held regarding Downey's coverage with liability and workers compensation. Barnes stated that Schroeder Insurance should have answers by December 27, 2011.

AREA PLAN

Bill Todd asked the commissioners to approve and renew the 2012 map consultant contract with Coors Consulting. The contract is in the amount of \$1,800.00 Marvin Cole made the motion to approve and sign the contract. Ken Masters seconded the motion. Motion carried.

Todd asked the commissioners to approve and renew the 2012 APC Consultant with David Rogier. The contract is in the amount of \$4,000.00. John Saxon of Homer, questioned the commissioners as to how the county benefits from this contract with David Rogier. Bill

Todd responded that Rogier is a valuable asset and has a wealth of knowledge of zoning ordinance's and maps dating back to the 1970's.

Tom Barnes questioned John Saxon if he has gone to the Area Plan Commission Board with his concerns. Saxon responded that he has gone to the Area Plan Commission Director but not the Area Plan Commission Board.

Todd explained that Rogier only gives advice as a consultant and does not run the meetings. Todd explained that regarding the ordinances questioned and who wrote them. Todd explained that the Towns and the City of Rushville held public hearings for groups of citizens. The citizens were given every opportunity to participate and voice their concerns. Todd stated that amendments have and will continue to be made to the ordinances.

Tom Barnes noted that nowhere in the agreements is the City of Rushville involved in the contract agreements regarding sharing of costs. Bill Todd invited the commissioners to join in conversation with the new administration regarding this topic. Barnes accepted the invitation and also indicated that the Council President should be invited to attend. Barnes stressed that this needed resolved by January 1, 2012.

Bill Todd advised the commissioners that they should also hold the Coors Consulting agreement that they had just approved and signed as Coors works for both the Area Plan Commission and the Board of Zoning Appeals.

The question was raised if this would be a public meeting. It was explained that if all three (3) commissioners meet with the mayor, yes a public meeting is required. If one (1) commissioner, one (1) council person and the mayor, No a public meeting is not required.

Other questions and concerns rose from the audience regarding public meetings that have been held and that the public does not buy into it and how the concern of "Agenda 21" is slowly becoming a part of the system.

Ken Masters made the motion to take the Rogier contract under advisement. Marvin Cole seconded the motion. Motion carried.

It was noted that the Coors motion will not be affected as it is required by law and it is for 2012 year.

Bill Todd shared that the newspaper legal advertising for the FEMA flood meeting is December 8, 2011 and will be held in the Assembly Room. The GIS dept will also be attending.

Todd reported that several citizens attended the meeting regarding the zoning of “fowl” on small lots. Todd stated that a study committee has been created and the first meeting is scheduled for December 13, 2011.

Tom Barnes reported of conversations and phone calls received from citizens regarding all zoning of animals on fifteen (15) acres or more. Todd responded that anything over ten (10) acres we have no control over. Barnes encouraged Todd and his board to iron this out now with all animals.

BIDS

At 9:30 sealed Bids were open for the following advertised:

- **Sheriff Fuel**
Harvest Land – 30,000 Gal \$2.939 per gallon fixed
Only one (1) bid received. Ken Masters made the motion to accept the Harvest Land bid. Marvin Cole seconded the motion. Motion carried.
- **Highway Fuel**
Harvest Land – 15,000 Gal 90 Oct \$3.136 per gallon fixed. 45,000 Soy Bio \$3.468 per gallon fixed.
Only one (1) bid received. Marvin Cole made the motion to accept Harvest Land bid. Ken Masters seconded the motion. Motion carried.
- **Liquid Asphalt Bitoumous**
3 Bids received: MAP; Asphalt Materials; Terry Industries
Ken Masters made the motion to award the bid to Asphalt Materials. Marvin Cole seconded the motion. Motion carried.
- **Crushed Stone**
3 Bids received: Rush County Stone; Derbyshire; St. Paul
Ken Masters made the motion to accept all three bids based upon their Geographic area. Marvin Cole seconded the motion. Motion carried.
- **Sand & Gravel**
2 Bids received: Caldwell Gravel; IMI
Ken Masters made the motion to award the bid to Caldwell Gravel. Marvin Cole seconded the motion. Motion carried.
- **Pipe**
Indiana Drainage Solution compared 14 gauge steel instead of 16 gauge aluminum
3 Bids received: CPI; St. Regis; Indiana Drainage Solution
Ken Masters made the motion under the recommendation of Highway Superintendent Jerry Sitton to take the three bids under advisement. Marvin Cole seconded the Motion. Motion carried

EMA

Chuck Kemker, EMA Director, reported that the Courthouse emergency procedures manuals are in and dates will be scheduled for all employees to review and sign for their copy.

The Automatic Critical Assessments are now completed.

Offices have requested additional panic alarms. The cost from Secure Tech Systems is \$125 per transmitter and \$325 per new zone that may need added.

AUDITOR

Deborah Adams, Auditor, received approval of payroll ending December 9, 2011 on a motion from Ken Masters. Marvin Cole seconded the motion. Motion carried.

Ken Masters made the motion to approve the Bi-weekly claims submitted November 29, 2011. Marvin Cole seconded the motion. Motion carried.

EMS

The commissioners reviewed EMS run reports submitted from Carthage Vol. Fire Dept. Raleigh Fire Dept. and Rush Memorial Ambulance.

The new contracts will be ready by the first of the year.

PURCHASING POLICY

County Attorney Leigh Morning provided the commissioners amended Ordinance 1998-4 concerning purchasing. Ken made the motion to approve Amended Ordinance 1998-4. Marvin Cole seconded the motion. Motion carried.

AMENDED ORDINANCE 1998-4

WHEREAS, Ind.Code 5-22 ("Act") applies to every expenditure of public funds by a governmental body; and

WHEREAS, Rush County ("County") is a governmental body under the Act; and

WHEREAS, the Act authorizes the County to establish certain purchasing rules and policies for the County; and

WHEREAS, the Board of Commissioners of the County desires to establish certain purchasing rules for the County;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rush County, Indiana:

1. The following are the purchasing rules for Rush County, Indiana:

a. Protection of Offers; Status of Documents as Public Records.

i. Protection of offers prior to opening. The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

ii. Unobstructed evaluation of offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

iii. Public records status of bids. Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.

iv. Register of proposals. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

b. Discussions with Offerors responding to a Request for Proposals.

The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

c. Delay of Opening of Offers.

When the Board of Commissioners makes a written determination that it is in the County's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

d. Evidence of Financial Responsibility.

i. Purchases less than \$50,000.00. The purchasing agent may not require evidence of financial responsibility when the estimated cost of purchase is less than \$50,000.00.

ii. Purchases between \$50,000.00 and \$150,000.00. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.

iii. Purchases over \$150,000.00. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.

iv. Small business set-asides. The purchasing agent may determine that no evidence of financial responsibility is required for a small business set-aside purchase.

e. Use of Request for Proposals of Designated Types of Supplies.

i. The County determines that:

(A) It is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding; and

(B) Receiving proposals is the preferred method for purchasing the following types of supplies: The purchasing agent shall have the discretion to decide whether to invite competitive bids or to request proposals; however, if the cost of the supplies exceeds \$50,000.00, the purchasing agent shall obtain the permission of the Board of Commissioners before requesting proposals.

f. Modification and Termination of Contracts.

i. Price adjustments. The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(A) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of the performance as possible;

(B) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(C) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment or profit or fee, all as specified in the contract or subsequently agreed upon;

(D) Price adjustments must be computed in such other manner as the contracting parties may mutually agree; or

(E) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of the fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body. profit or

ii. Adjustments in time of performance. The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

iii. Unilateral rights of County. The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the County to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

g. Purchase of Services.

The County determines that each County agency, department and office and elected County official may purchase services in whatever manner the purchaser determines to be reasonable.

The County purchasing agency may not require any County agency, department or office, or any elected County official, to purchase services in any particular manner.

2. This Ordinance is effective upon passage.

Adopted by the Board of Commissioners of Rush County, Indiana, this 5th day of December, 2011.

BOARD OF COMMISSIONERS OF
RUSH COUNTY

/s/ Thomas H. Barnes
Thomas H. Barnes

/s/ Marvin L. Cole
Marvin L. Cole

/s/ Ken Masters
Ken Masters

ATTEST:

/s/ Deborah C. Adams
Deborah C. Adams, Auditor

Ken Masters made the motion to approve the Purchasing Policies of Rush County.
Marvin Cole seconded the motion. Motion carried.

PURCHASING POLICIES OF RUSH COUNTY, INDIANA

Publication of Notices

1. Invitation for Bids. All notices of invitation for bids shall be published in accordance with Ind.Code 5-3-1 in the Rushville Republican.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two (2) times, at least one (1) week apart. The second publication must occur at least ten (10) days prior to the date the bids will be opened.

2. Request for Proposals. All notices of requests for proposals shall be published in accordance with I.C. 5-3-1 in the Rushville Republican.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two (2) times, at least one (1) week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

3. Request for Specifications. All notices of request for specifications shall be published in accordance with I.C. 5-3-1 in the Rushville Republican.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two (2) times, at least one (1) week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

Receiving Offers

1. Opening of Offers. Bids received in response to an invitation for bids must be opened publicly in the presence of at least one (1) or more witnesses at the time and place designated in the invitation for bids.

Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

Proposals received in response in response to a request for specifications may be opened as specified in the request for specifications.

2. Correction and Withdrawal of Bids. An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than twenty-four (24) hours after the time at which the bids were opened.

3. Cancellation of Solicitation. When the purchasing agent makes a written determination that it is in the County's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

Small Purchases

The purchasing agent may purchase supplies with an estimated cost of less than \$50,000.00 on the open market without inviting or receiving quotes.

Adopted this 5th day of December, 2011.

BOARD OF COMMISSIONERS OF
RUSH COUNTY

/s/ Thomas H. Barnes

Thomas H. Barnes

/s/ Marvin L. Cole
Marvin L. Cole

/s/ Ken Masters
Ken Masters

ATTEST:

/s/ Deborah C. Adams
Deborah C. Adams, Auditor

NIGHT MEETINGS.

John Saxon questioned the commissioners if any discussion has been held to moving some of the meetings to the evenings. Tom Barnes stated that currently no plans have been made as history has already revealed this.

Saxon questioned if the commissioners would record the meetings so that they could be posted. It was responded that there are no plans.

Deborah Adams stated that she has researched the cost of a recording unit for the purpose recording of the minutes and making tabs of the history to allow easy research of a topic of discussion. Adams estimated the cost to be approximately \$4,000.00 and she could not justify the expense.

Motion to adjourn was received from Ken Masters. Marvin Cole seconded the motion. Motion carried.

/s/Tom Barnes
Tom Barnes, Chairman

/s/Marvin Cole
Marvin Cole

/s/Ken Masters
Ken Masters

ATTEST:

/s/Deborah C. Adams
Deborah C. Adams, Auditor